

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for Correction of
the Coast Guard Record of:

BCMR Docket No. 2016-207

████████████████████
SA (former)

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the case after receiving the applicant's completed application and military records on September 30, 2016, and assigned the case to attorney ██████████ to prepare the decision for the Board as required by 33 C.F.R. § 52.61(c).¹

This final decision, dated July 7, 2017, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST AND ALLEGATIONS

The applicant, who was honorably discharged from the Coast Guard on December 15, 2006, asked the Board to correct her military record by changing the narrative reason for separation, separation code, and reenlistment code on her discharge form DD 214. She alleged that she was forced out of the military after she was diagnosed with PTSD "and other ailments." She stated that she has "finally started to work through the pain" and would like her DD 214 to contain more positive entries.² She added that the Department of Veterans' Affairs (DVA) has since found that she is unemployable because of her medical conditions.

Regarding the delay of her application, the applicant stated that she was a victim of traumatic incidents and did not receive proper "care and compassion" from her unit. She asked that the Board please consider her application so that she may move forward with her life.

SUMMARY OF THE RECORD

On September 26, 2005, the applicant enlisted in the Coast Guard for a period of six years. Less than a year later, on July 17, 2006, she underwent a mental health evaluation. In the

¹ On May 27, 2016, the administrator of the Coast Guard's Discharge Review Board declined to docket the case based on the medical issues involved.

² The applicant also alleged that she was sexually assaulted while on active duty in April 2006. The Coast Guard explained that she had alleged that she was assaulted by a civilian following consumption of alcohol while underage.

August 14, 2006, evaluation memorandum, she was diagnosed with “adjustment disorder³ with mixed anxious and depressed mood,” post-traumatic stress disorder, obsessive-compulsive disorder, and borderline personality disorder.⁴ The evaluation found the following:

[The applicant] has several psychological conditions that lead to a significant impairment in her judgement, reliability, or stability. Personality disorders reflect stable and enduring patterns of behavior typically resistant to significant change through psychotherapy. They are chronic and enduring by nature and her overall prognosis is estimated to be poor. As such, we would consider [the applicant] unfit for continued duty and strongly recommend Command consider separation from the USCG.

On August 18, 2006, a narrative medical summary in the applicant’s file states the following:

Member has exhibited repeated behaviors consistent with a profound Adjustment disorder, Borderline Personality and Occupational Problems since her enlistment. In addition, although she is only 18 years old, she has been cited for two alcohol incidents, has been dis-enrolled from FS-A School and has left the base while on restriction. Several efforts to help this member have been unsuccessful. Psychiatric intervention...indicated several (DSM-IV) diagnoses indicative of unsuitability for medical service. At this time [the applicant] has been diagnosed with several psychological conditions the [sic] lead to significant impairment in her judgment, reliability and stability. Her personality disorders reflect stable and enduring patterns of behavior typically resistant to significant change through psychotherapy. They are chronic and enduring by nature and her overall prognosis is estimated to be poor. As such, it is recommended by psychiatry...that [the applicant] is unfit for continued duty and strongly recommend for separation from the service.

On August 22, 2006, the applicant received a Notification of Intent to Discharge. The memorandum states that the applicant was recommended for an Honorable Discharge by reason of “Unsuitability due to an Adjustment Disorder.” Her command relied on the recommendation in the August 18, 2006, narrative medical summary. The applicant signed and acknowledged her receipt of this notice and indicated that she did not object to an Honorable Discharge but that she did wish to make a statement on her behalf.

On August 23, 2006, the applicant provided a response to the Notification of Intent to Discharge. She stated that she joined the Coast Guard at age 17 because she needed a steady job, but that she apparently was not ready military life. She stated that after boot camp her “life started to fall apart” around her to the point that she could not adjust and she “just didn’t care due to the problems” that she was experiencing. She said she did not object to an Honorable Discharge, but she claimed she had not been informed that she had an Adjustment Disorder. She objected to

³ An “adjustment disorder” is a psychological response to an identifiable stressor that results in the development of emotional or behavioral symptoms. Adjustment disorders are normally temporary and disappear when the stressors disappear. Adjustment disorders are not personality disorders. DSM-IV-TR, at 679.

⁴ A “personality disorder” is “an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual’s culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment.” American Psychiatric Association, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, FOURTH EDITION, TEXT REVISION (2000) (DSM-IV-TR), p. 685. Types of personality disorders include paranoid, schizoid, schizotypal, antisocial, borderline, histrionic, narcissistic, avoidant, dependent, and obsessive-compulsive. *Id.* “The diagnosis of Personality Disorders requires an evaluation of the individual’s long-term patterns of functioning The personality traits that define these disorders must also be distinguished from characteristics that emerge in response to specific situational stressors or more transient mental states The clinician should assess the stability of personality traits over time and across different situations.” *Id.* at 686. The Coast Guard relies on the DSM when diagnosing members with psychological conditions. *See* Coast Guard Medical Manual (COMDTINST M6000.1B), Chap. 5.B.1.

being discharged for Unsuitability due to an Adjustment Disorder because this would keep her from joining the military later, which she hoped to do after she had at least two years to cope with her problems.

On October 25, 2006, an Initial Medical Board for the applicant recommended that she be found not fit for duty and be separated from the Coast Guard “due to her diagnosis of borderline Personality Disorder.”

On November 7, 2006, the Informal Physical Evaluation Board found that the applicant was not fit for continued duty by reason of “condition or defect not a physical disability. Borderline Personality Disorder is not a disability within the meaning of the law.” The applicant was therefore found to be not eligible for further physical disability evaluation processing.

On November 14, 2006, the applicant’s Command sent a request for her discharge to the Coast Guard Personnel Command. The Command stated that the applicant had been diagnosed with “an Adjustment Disorder Depressed Mood, and Occupational Problems,...as well as Borderline Personality Disorder, Obsessive-Compulsive Disorder, and Posttraumatic Stress Disorder as per psychological evaluation.” The Command stated that the applicant had been found not fit for continued duty by reason of Borderline Personality Disorder.

The applicant was discharged on December 15, 2006. She received an Honorable Discharge, with a separation code of JFX (which denotes separation due to a diagnosed personality disorder), reenlistment code of RE-4 (ineligible to reenlist), and a narrative reason for separation of “Unsuitability.”

VIEWS OF THE COAST GUARD

On March 9, 2017, the Judge Advocate General (JAG) of the Coast Guard submitted an advisory opinion recommending that the Board grant partial relief and adopting the findings and analysis provided in a memorandum prepared by the Personnel Service Center (PSC).

PSC noted that the application is untimely. However, PSC stated that since the applicant’s discharge, the Commandant has issued ALCOAST 252/09, which promulgates a new separation code and narrative reason for separation for members who are discharged due to their inability to adapt to military life. The Coast Guard created the JFY separation code with the narrative reason for separation “Adjustment Disorder” for members who are administratively discharged because of a diagnosed adjustment disorder. PSC alleged that the applicant was discharged properly in accordance with the policy in effect in 2006 because there was no specific separation code for adjustment disorders at the time and the JFX/Personality Disorder discharge was the “most applicable” one, especially in light of the fact that the applicant was also diagnosed with a personality disorder. However, because the JFY/Adjustment Disorder discharge has been established, PSC recommended correcting the applicant’s DD 214 to reflect a JFY separation code and “Adjustment Disorder” as her narrative reason for separation. PSC did not make any recommendations regarding the applicant’s reenlistment code.

APPLICANT'S RESPONSE TO THE VIEWS OF THE COAST GUARD

On April 1, 2017, the Chair sent a copy of the views of the Coast Guard to the applicant and invited her to respond in writing within 30 days. No response was received.

APPLICABLE REGULATIONS

Article 12.B.16.b. of the Personnel Manual in effect in 2006 authorizes the Commandant to direct the discharge of an enlisted member for "unsuitability," due to, *inter alia*, apathy, inaptitude, or personality disorders as "determined by medical authority." Article 12.B.16.h. states that when a psychiatric condition is a consideration in the discharge for unsuitability, the member should be examined by a psychiatrist. Under Article 12.B.16.d., prior to recommending a member for an unsuitability discharge, the CO is required to notify the member of the proposed discharge; afford her the opportunity to submit a statement on her own behalf; and, if a General discharge is contemplated, allow her to consult with an attorney.

Under the Separation Program Designator Handbook, members involuntarily discharged by directive because of a diagnosed personality disorder are assigned separation code JFX and either an RE-4 or RE-3G reenlistment code on their DD 214s.

ALCOAST 252/09, issued on April 29, 2009, states that the Department of Defense has created new separation codes to address the situation in which a member is unsuitable for military service because of a diagnosed adjustment disorder that does not constitute a physical disability but that prevents the member from adapting to military life. The ALCOAST specifies that the new separation code JFY should be used when a member's involuntary discharge is "directed by an established directive when an adjustment disorder exists, not amounting to a disability, which significantly impairs the member's ability to function effectively in the military environment. ... For enlisted personnel, the re-entry code assigned can be either RE-3G or RE-4. CG PSC (epm-1) will review the separation packages and make the determination for which re-entry code should be applied."

ALCOAST 125/10, issued on March 18, 2010, states that, to align Coast Guard policy more closely to that of the Department of Defense, "[i]n cases where individuals are separated for cause and there is an option of assigning an RE-1 (eligible for reenlistment), RE-3 (eligible for reenlistment except for disqualifying factor), or RE-4, the RE-3 is the normal standard unless a different code is authorized by the discharge authority." For example, the ALCOAST notes that for members discharged because of alcohol incidents, an RE-3 code is prescribed unless the member engages in misconduct by, for example, incurring a DUI or refusing rehabilitative treatment, in which case an RE-4 code is prescribed. In addition, the ALCOAST eliminated the sub-categories denoted by RE-3 code letters (RE-3F, RE-3G, RE-3P, etc.) so that only the code "RE-3" appears on the DD 214.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's military record and submissions, the Coast Guard's submissions, and applicable law:

1. The Board has jurisdiction over this matter under 10 U.S.C. § 1552(a).

2. Under 10 U.S.C. § 1552(b), an application to the Board must be filed within three years after the applicant discovers the alleged error or injustice. The applicant in this case received her DD 214 showing the JFX separation code and “Personality Disorder” as her narrative reason for separation more than ten years before she filed her application but fewer than three years after the Discharge Review Board (DRB) declined to consider her request for correction pursuant to its authority under 10 U.S.C. § 1553, which provides a fifteen-year statute of limitations for that board to review and change a veteran’s discharge. In light of this timing and the DRB’s refusal to consider the applicant’s request, the Board finds that her application is timely.

3. The applicant alleged that the RE-4 reenlistment code, JFX separation code, and “Personality Disorder” narrative reason for discharge she received in 2006 are erroneous and unjust and requested “more positive” entries on her DD 214. In considering allegations of error and injustice, the Board begins its analysis in every case by presuming that the disputed information in the applicant’s military record is correct as it appears in her record, and the applicant bears the burden of proving by a preponderance of the evidence that the disputed information is erroneous or unjust.⁵ Absent evidence to the contrary, the Board presumes that Coast Guard officials and other Government employees have carried out their duties “correctly, lawfully, and in good faith.”⁶

4. Because employers sometimes demand to see veterans’ DD 214s before hiring them, it is very important for DD 214s to be fair and not unduly tarnish members’ records without substantial evidence. In light of the highly prejudicial nature of a discharge by reason of “Personality Disorder,” the Board has often ordered the Coast Guard to correct the narrative reason on a DD 214 to some other, less prejudicial reason when the member was never diagnosed with a personality disorder or when the diagnosis was uncertain or not supported by significant inappropriate behavior.⁷ On the other hand, the Board has not removed the narrative reason “personality disorder” from the DD 214s of some veterans whose inappropriate conduct supported their diagnoses.⁸

5. In this case, the applicant’s military and medical records show that she began experiencing problems soon after she enlisted and was diagnosed with an adjustment disorder, post-traumatic stress disorder, obsessive compulsive disorder, and borderline personality disorder.

⁵ 33 C.F.R. § 52.24(b).

⁶ *Arens v. United States*, 969 F.2d 1034, 1037 (Fed. Cir. 1992); *Sanders v. United States*, 594 F.2d 804, 813 (Ct. Cl. 1979).

⁷ *See, e.g.*, BCMR Docket Nos. 2009-106, 2008-127, 2007-221, 2007-028, 2005-082, 2005-045, 2004-044, and 2003-015.

⁸ *See, e.g.*, BCMR Docket Nos. 2010-002, 2001-020, 2000-142, 1999-185, 1999-037, and 1998-099 in which the Board upheld the unsuitability and personality disorder discharges of, respectively, a veteran who was diagnosed with an antisocial personality disorder after committing various offenses, including unauthorized absences, theft, disobedience, and drug use; a veteran who was diagnosed with a dependent personality disorder after going AWOL and committing various other disciplinary infractions; a veteran who was diagnosed with a borderline personality disorder and went to an historic tower, told a guard at the bottom that he was going to hang himself off the top with a dog collar and leash, and waited at the top until the police arrived; a veteran with numerous disciplinary infractions and performance problems in his record who was diagnosed by two psychiatrists with a borderline personality disorder; a veteran who frequently exhibited inappropriate sexual behavior over a two-year period and was twice diagnosed with “adjustment disorder with disturbance of conduct”; and a veteran who was twice arrested for indecent exposure and diagnosed with narcissistic personality disorder.

der. The applicant was notified that she was being processed for discharge on August 22, 2006. This notification specifically states that she was being recommended for discharge “by reason of Unsuitability due to an Adjustment Disorder,” and does not mention any other diagnosis or reason. An adjustment disorder is a temporary response to a (normally) temporary stressor, such as military service, rather than a permanent condition, and an adjustment disorder is not a personality disorder.⁹ The Coast Guard informed the applicant that she was going to be discharged due to an adjustment disorder, not a personality disorder, but her DD 214 states “Personality Disorder.” The record furthermore shows that the applicant objected to the stated reason for discharge at the time, as evidenced by her August 23, 2006, response.

6. The Coast Guard recommended correcting the applicant’s DD 214 to reflect the new JFY/Adjustment Disorder discharge established in ALCOAST 252/09. The new Adjustment Disorder discharge is appropriate for a member who is unsuitable for military service because of a diagnosed adjustment disorder that prevents the member from adapting to military life. Because the applicant was notified that she was being discharged by reason of an adjustment disorder and she admits she was not adapting well to military life, the Board agrees with the Coast Guard that her DD 214 should be corrected to reflect the new JFY/Adjustment Disorder discharge. Although this type of discharge did not exist in 2006, the Board is authorized to upgrade discharges in light of current mores and policies.¹⁰

7. The applicant also asked the Board to upgrade her reenlistment code. PSC did not make a recommendation regarding the reenlistment code in its advisory opinion. The Board notes that in 2006, a member being discharged for “Personality Disorder” could be assigned either an RE-4 or RE-3G reenlistment code. However, since the applicant was discharged, the Coast Guard has issued ALCOAST 125/10, which makes the RE-3 code—without any letter specifying a subcategory—the default reenlistment code to be used except in cases where an RE-4 is appropriate because the member committed significant misconduct. An RE-3 code is not an absolute bar to reenlistment; it allows a veteran to reenlist if she can prove to the satisfaction of the Recruiting Command that the condition or circumstance that caused her to be discharged before her enlistment expired no longer exists.¹¹ Given that there is no documented misconduct in the applicant’s record,¹² the Board finds that her reenlistment code should be upgraded to RE-3.

8. Accordingly, relief should be granted by ordering the Coast Guard to issue the applicant a new DD 214 with separation code JFY in block 26, reenlistment code RE-3 in block 27, and “Adjustment Disorder” as the narrative reason for separation in block 28.

(ORDER AND SIGNATURES ON NEXT PAGE)

⁹ See footnotes 3 and 4.

¹⁰ Memorandum of the General Counsel to J. Warner Mills, et al., Board for Correction of Military Records (July 8, 1976).

¹¹ Coast Guard Recruiting Manual, Chapter 2.E.1.b.5.a.

¹² The Board notes that there are references to two instances of underage alcohol consumption, but there are no corresponding “alcohol incidents” documented in her military record.

ORDER

The application of former SA [REDACTED], USCG, for correction of her military record is granted as follows:

The Coast Guard shall issue her a new DD 214 with the following corrections made (not by hand and not by issuing a DD 215):

- Block 26 shall be corrected to show that she received the separation code JFY.
- Block 27 shall be corrected to show reenlistment code RE-3.
- Block 28 shall be corrected to show “ADJUSTMENT DISORDER” as the narrative reason for separation.

July 7, 2017

